

## **Title 407 - NEBRASKA DEPARTMENT OF ROADS - LOCAL LIAISON DIVISION**

### **Chapter 1 - Hearing Practice and Procedure of the Department of Roads**

#### 001 HEARING PROCEDURE FOR THE PROMULGATION, AMENDMENT OR REPEAL OF THE RULES AND REGULATIONS OF THE DEPARTMENT OF ROADS

001.01 An informal hearing shall be held to consider promulgation, amendment or repeal of any Rule or Regulation of the Department of Roads unless waived by the Governor.

001.02 Notice as to time and place of the hearing shall be published in a newspaper of general circulation in the State at least thirty days in advance of the hearing.

001.03 Any party who desires a continuance shall, immediately upon receipt of notice of hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the Director-State Engineers Office in writing, by letter or telegram of said desire, stating in detail the reasons why such continuance is necessary. Any such party may be required to submit affidavits in support of such request. For good cause shown, the Director-State Engineer may grant a continuance, and he may at any time order a continuance on his own motion. Only under exceptional circumstances will requests for continuance of a hearing be considered unless submitted on or before the seventh day prior to the date set for hearing.

001.04 The hearing shall be held at the Nebraska Department of Roads, Central Complex, 1500 Nebraska Hwy. 2, Lincoln, Nebraska, or if requested by petition, the hearing may be held at a time and place considered more appropriate and convenient for all parties involved.

001.05 All hearings will be recorded and transcribed, in summary, for record.

001.06 A petition for the promulgation, amendment or repeal of any Department Rule or Regulation shall state the precise wording of the proposed rule or addition, or the precise wording of the present regulation to be deleted or repealed, shall state briefly the reasons for such promulgation, amendment or repeal and shall state the name and address of the petitioner. All such requests will be considered on or about July 1 or January 1 of each year by an individual or individuals selected by the Director-State Engineer or by the Director-State Engineer himself. The Department, through the Director-State Engineer, may, at any time, set a date for a hearing for the promulgation, amendment or repeal of any rule or regulation as recommended by any of the division or section heads.

001.07 Failure of any petitioner to appear at the time and place set for hearing unless otherwise allowed by the Department on good cause shown, will be deemed sufficient grounds for the Department to dismiss the petition.

001.08 The chairman of the hearing shall be a member of the Department of Roads and shall have the power to adjust the procedure of the hearing to meet special circumstances.

Title 407 - NEBRASKA DEPARTMENT OF ROADS - LOCAL LIAISON DIVISION

Chapter 1 - Hearing Practice and Procedure of the Department of Roads (Continued)

001.09 Those members of the Department present shall be available to answer questions concerning the changes in the Rules and Regulations.

001.10 The chairman will make an opening statement which shall fulfill all necessary legal requirements by setting out the purpose and giving recorded notice of the hearing.

001.11 The presiding officer shall have the power to recess the hearing at any time and to close it when all relevant discussion has been heard.

001.12 Copies of the transcript shall be supplied to all division and section heads concerned in time to be reviewed before a decision is made.

001.13 The findings shall consist of a concise statement of the conclusions upon each contested revision. Interested parties testifying at the hearing shall be notified of the decision and order in person or by mail. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed upon request to each party or attorney of record.

001.14 The validity of the final order shall be subject to review in accordance with the laws of the State of Nebraska.

001.15 When any petition for the promulgation, amendment or repeal of any Rule or Regulation by the Department has been denied in whole or in part, a subsequent petition covering substantially the same subject matter will not be considered by the Department within one hundred eighty calendar days from the date of the final denial in whole or in part of the previous petition, except for good cause shown.

**ANNOTATION**

**Title 407  
Chapter 1  
Section 001**

**Enabling Legislation  
39-699 Neb. Rev. Stat.**